

IN THE DISTRICT COURT OF APPEALS  
THIRD DISTRICT OF TEXAS  
AUSTIN, TEXAS

FILED IN  
3rd COURT OF APPEALS  
AUSTIN, TEXAS

NO. 03-18-00650-CV

11/7/2018 2:17:19 PM  
JEFFREY D. KYLE  
Clerk

ALEX E. JONES, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC  
AND OWEN SHROYER

*APPELLANTS*

v.

NEIL HESLIN

*APPELLEE*

ON APPEAL FROM CAUSE NUMBER D-1-GN-18-001835  
53<sup>RD</sup> DISTRICT COURT, TRAVIS COUNTY, TEXAS  
HON. SCOTT JENKINS PRESIDING

**APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF**

TO THE HONORABLE COURT OF APPEALS:

Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC, and Owen Shroyer, Appellants herein, file the following motion for extension of time in which to file Appellants' opening brief as follows:

I.

On the morning of November 6, 2018, Mark Enoch, counsel for Appellants,

sent an email to Mark Bankston, counsel for Appellees, concerning this request for extension of time to file the opening brief. As of the time of the filing of this motion there has been no reply received from Mr. Bankston. Therefore, this motion is presented as an opposed motion.

## II.

The current deadline for filing Appellants' opening brief in this interlocutory appeal is November 15, 2018.

## III.

This is Appellants' first request for an extension. Appellants request a twenty-one (21) day extension in which to file their opening brief up to and including December 6, 2018.

## IV.

There is good cause for this extension. In this regard, Appellants' counsel is preparing for a multi-week jury trial in a mature, complex commercial case which was continued from its November setting and is now set for trial before the 95<sup>th</sup> District Court of Dallas, Texas on December 10, 2018. Mediation in the case was not successful. Three days of additional depositions are presently scheduled for November 9, 12 and 26 (with an expert deposition yet to schedule). Counsel anticipates that several hundred exhibits will be required to be marked and numerous depositions require line/page designations by November 26.

In addition, Appellants' counsel has another Appellant brief due in this Court on November 14 in case number 03-18-00603-CV.

An extension is necessary so that counsel can prepare a cogent brief addressing the TCPA issues raised in this appeal.

V.

This extension is not sought for purposes of delay, but in order that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Appellants pray that their motion for extension of time to file their opening brief be granted and that the deadline for filing the motion be extended up to and including December 6, 2018. Appellants pray for such other and further relief, both general and special, at law or in equity, to which they may show themselves to be justly entitled.

RESPECTFULLY SUBMITTED,

GLAST, PHILLIPS & MURRAY, P.C.

/s/ Mark C. Enoch

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ATTORNEY FOR APPELLANTS

### **CERTIFICATE OF CONFERENCE**

On November 6, 2018, Mark Enoch, counsel for Appellants, sent an email to Mark Bankston, counsel for Appellees, concerning this request for extension of time to file the opening brief. As of the time of this filing, no response has been received from Mr. Bankston. Therefore, this motion is presented as an opposed motion.

/s/ Mark C. Enoch  
Mark C. Enoch

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of November, 2018, the foregoing was sent via efiletxcourts.gov's e-service system to the following:

Mark Bankston  
Kaster Lynch Farrar & Ball  
1010 Lamar, Suite 1600  
Houston, TX 77002  
713-221-8300  
[mark@fbtrial.com](mailto:mark@fbtrial.com)

/s/ Mark C. Enoch  
Mark C. Enoch